

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 3:16-CV-2454-L
	§	
CONNIE R. LACOUR,	§	
	§	
Defendant.	§	

MEMORANDUM OPINION AND ORDER

Before the court is the United States’ Motion for Default Judgment, filed September 21, 2016. After careful consideration of the motion, appendix, record, and applicable law, the court **grants** the United States’ Motion for Default Judgment.

I. Background

The United States (“Plaintiff” or “United States”) filed Plaintiff’s Complaint (“Complaint”) on August 24, 2016, against Connie R. LaCour (“Defendant” or “LaCour”). This action arises from the failure of LaCour to make the required payments on loans she obtained on March 22, 2006.

The loans were disbursed for \$4,721.15 and \$7,742.69 on May 5, 2006, at 6.125% interest per annum, and each is secured by a promissory note. The loans were made by the Department of Education under the William D. Ford Federal Direct Loan Program under Title IV, Part D of the Higher Education Act of 1965, as amended, 20 U.S.C. 1087a *et seq.* (34 C.F.R. Part 685). The United States Department of Education is the owner and holders of each promissory note. After demand of payment by the United States, LaCour defaulted on the loans on October 15, 2012.

LaCour was served with a copy of the summons and Complaint on August 30, 2016. She was required to answer or otherwise respond to the Complaint by September 20, 2016, 21 days after service of the summons and Complaint. *See* Fed. R. Civ. P. 12. To this date, LaCour has not answered or otherwise responded to the Complaint.

On September 20, 2016, the United States requested the clerk of court to enter a default against LaCour, and the clerk made an entry of default against LaCour on September 21, 2016. Plaintiff now requests the court to enter a default judgment against LaCour and award it damages and applicable interest as a result of his default.

II. Discussion

A party is entitled to entry of a default by the clerk of the court if the opposing party fails to plead or otherwise defend as required by law. Fed. R. Civ. P. 55(a). Under Rule 55(a), a default must be entered before the court may enter a default judgment. *Id.*; *New York Life Ins. Co. v. Brown*, 84 F.3d 137, 141 (5th Cir. 1996). The clerk of court has entered a default against LaCour. The court also finds, based upon the information in the record, that Defendant is not a minor, incompetent person, or member of the United States military.

LaCour, by failing to answer or otherwise respond to Plaintiff's Complaint, has admitted the well-pleaded allegations of the Complaint and is precluded from contesting the established facts on appeal. *Nishimatsu Constr. Co. v. Houston Nat'l Bank*, 515 F.2d 1200, 1206 (5th Cir. 1975) (citations omitted). Based on the well-pleaded allegations of Plaintiff's Complaint, which the court accepts as true, and the record in this action, the court determines that LaCour is in default and that the United States is entitled to a default judgment and appropriate damages.

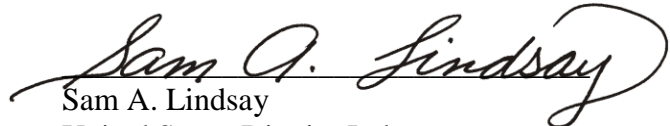
Based on the record, the total amount that LaCour owed the United States as of May 25, 2016, was \$20,837.08 (\$13,768.74 in principal and \$7,068.34 in interest). Interest accrues on the

principal at the rate of \$2.31 per day. The number of days from May 25, 2016, to September 29, 2016, is 127, which results in additional interest in the amount of \$293.37. Therefore, the total amount of judgment to which the United States is entitled is **\$21,130.45**.

III. Conclusion

For the reasons herein stated, the court **grants** the United States' Motion for Default Judgment, and Plaintiff is entitled to and shall recover from Defendant the amount of **\$21,130.45**. The court will enter judgment by separate document, as required by Federal Rule of Civil Procedure 58, in the amount stated in favor of the United States.

It is so ordered this 29th day of September, 2016.


Sam A. Lindsay
United States District Judge